

dispensed once, upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty by corporation to all counts of information, by Selden to counts 2, 5, 6, 7, 8, and 9, and by Bardisian to counts 1, 3, and 4.

DISPOSITION: 1-26-59. Corporation fined \$500; Selden fined \$300, given a jail sentence of 6 months, which was suspended, and placed on probation for 1 year; and Bardisian fined \$200 and placed on probation for 1 year.

5559. (F.D.C. No. 41156. S. Nos. 57-436 M, 57-444 M, 76-943 M, 76-946 M.)

INFORMATION FILED: 4-7-58, N. Dist. Ga., against James Curtis Kimsey, t/a Kimsey's Drug Store, Toccoa, Ga., and Cyril A. Williams (a pharmacist).

CHARGE: Between 9-23-57 and 9-27-57, *Dexedrine Sulfate tablets* and *methamphetamine hydrochloride tablets* were each dispensed twice without a prescription.

PLEA: Nolo contendere.

DISPOSITION: 10-13-58. The court fined Kimsey \$1,000 and placed Williams on probation for 2 years.

5560. (F.D.C. No. 41721. S. Nos. 68-565 M, 78-757 M.)

INFORMATION FILED: 6-20-58, E. Dist. N.Y., against Harry Margolis, t/a Margolis Pharmacy, Brooklyn, N.Y.

CHARGE: On 9-4-57 *Dexedrine Spansule capsules* and on 10-29-57 *Gantrisin tablets* were dispensed upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 11-23-58. \$500 fine.

INDEX TO NOTICES OF JUDGMENT D.D.N.J. NOS. 5521 TO 5560

PRODUCTS

N.J. No.	N.J. No.
Achromycin capsules----- 5555	Dextro-amphetamine sulfate
AM Plus capsules----- 5543, 5548	capsules----- 5539, 5542
Amphetamine, dextro-, sulfate	tablets ----- 5531, 5540-5542
capsules----- 5539, 5542	Equanil tablets----- 5532, 5553, 5554
tablets ----- 5531, 5540-5542	Ergotrate Maleate tablets----- 5535
sulfate tablets----- ¹ 5521-	Gantrisin tablets----- 5532,
5523, 5526-5528	5536, 5537, 5554, 5560
Amphetamine hydrochloride, thy-	Meproamate tablets----- 5531
roid, atropine sulfate, and	Metandren Linguets----- 5539
phenobarbital; green, yellow,	Methamphetamine hydrochloride
and pink tablets containing- 5545	tablets ----- 5544, 5559
Ansolysen Tartrate tablets----- 5525	Meticorten tablets----- 5555, 5556
Banthine tablets----- 5558	Miltown tablets----- 5537, 5540
Benzedrine Sulfate tablets----- 5532	Nembutal Sodium capsules ----- 5532,
Delta-1-hydrocortisone and ace-	5553, 5554, 5557, 5558
tylsalicylic acid tablets----- 5552	Neopenzine tablets----- 5543
Dexedrine Spansule capsules--- 5529,	Penicillin G potassium tablets-- 5548-
5551, 5556, 5560	5550
Sulfate capsules----- 5558	Pentobarbital sodium capsules-- ¹ 5523,
tablets - 5524, 5525, 5530, 5557-5559	5533, 5537, ¹ 5538, 5542, 5545-5547

¹ (5523, 5538) Prosecution contested.

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

5561-5580

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve drugs and devices which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent and (2) criminal proceedings terminated upon pleas of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., August 13, 1959

CONTENTS*

	Page		Page
Violative sales of prescription drugs.....	28	Drugs and devices actionable because of deviation from official or own standards.....	30
Drug in violation of prescription labeling requirements.....	29	Drugs actionable because of false and misleading claims.....	35
Drugs actionable because of contamination with filth.....	30	Index.....	36

*For failure to bear adequate directions or warning statements, see No. 5561; omission of, or unsatisfactory, ingredients statements, Nos. 5561, 5562; failure to bear label containing an accurate statement of the quantity of the contents, No. 5561.

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN D.D.N.J. NOS. 5561-5580

Adulteration, Section 501(a) (1), the article consisted in part of a filthy substance; Section 501(a) (2), the article had been prepared under insanitary conditions; Section 501(b), the article purported to be and was represented as a drug, the name of which is recognized in an official compendium (United States Pharmacopeia), and its strength differed from, and its quality and purity fell below, the standard set forth in such compendium; Section 501(c), the article was not subject to the provisions of Section 501(b), and its strength differed from, or its quality fell below, that which it purported or was represented to possess.

Misbranding, Section 502(a), the labeling of the article was false and misleading; Section 502(b) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents; Section 502(e), the article was a drug not designated solely by a name recognized in an official compendium, and its label failed to bear (1) the common or usual name of the drug; and (2) the drug was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient; Section 502(f) (1), the labeling of the article failed to bear adequate directions for use; Section 503(b) (1), the article was dispensed without a prescription from a practitioner licensed by law to administer the article; Section 503(b) (4), the article was subject to Section 503(b) (1), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

VIOLATIVE SALES OF PRESCRIPTION DRUGS

5561. Various drugs. (F.D.C. No. 40603. S. Nos. 41-889/91 M, 55-785 M, 55-787/9 M, 55-791 M, 84-801 M.)

INDICTMENT FILED: 1-14-58, E. Dist. Ky., against John Byron Miller, t/a J. B. Miller, pharmacist, Williamstown, Ky.

CHARGE: Between 6-1-57 and 6-12-57, *penicillin tablets* were dispensed three times and *cortisone acetate tablets* were dispensed twice without a prescription, which acts of dispensing were caused to be done by the defendant while the tablets were being held for sale after shipment in interstate commerce and which resulted in the tablets being misbranded under 503(b) (1).

In addition, various articles, namely, a number of *pink tablets* and *mephenesin tablets* and quantities of a *yellow oil* and a *liquid medicine* were caused to be introduced into interstate commerce by the defendant at Williamstown, Ky., for delivery to Albany, N.Y., and Nashville, Tenn., between the latter part of 1956 and 7-15-57. The articles were misbranded as follows:

502(b) (2)—the labels of the articles bore no statement of the quantity of contents.

502(e) (1)—the labels of the articles failed to bear the common or usual names of the articles.

502(e) (2)—the articles, other than the *yellow oil*, were fabricated from two or more ingredients, and the labels failed to bear the common or usual name of each active ingredient.